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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/458,922	12/10/1999	MOHAMMAD PEYRAVIAN	P-4541.003	9481
24112	7590	12/01/2004	EXAMINER	
COATS & BENNETT, PLLC P O BOX 5 RALEIGH, NC 27602			DADA, BEEMNET W	
			ART UNIT	PAPER NUMBER
			2135	
DATE MAILED: 12/01/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/458,922

Applicant(s)

PEYRAVIAN ET AL.

Examiner

Beemnet W Dada

Art Unit

2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on 03 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. This office action is in reply to a response to an office action filed on September 03 2004.

***Claim Rejections - 35 USC § 103***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 1-9, 12-27 and 30 are rejected under 35 U.S.C 103 (a) as being unpatentable over Nissl et al US Patent 6,530,023 in view of Haber et al US Patent 5,136,647.
4. The rejection is being applied for the same reason as set forth in the previous Office action, pages 2-8, mailed June 1 2004.
5. Claims 10 and 28 are rejected under 35 U.S.C 103(a) as being unpatentable over Nissl et al US Patent 6,530,023, in view of Haber et al US Patent 5,136,647 and further in view of Schneier.
6. The rejection is being applied for the same reason as set forth in the previous Office action, pages 9-10, mailed June 1 2004.

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7. Claims 11 and 29 are rejected under 35 U.S.C 103(a) as being unpatentable over Nissl et al US Patent 6,530,023 in view of Haber et al US Patent 5,136,647 and further in view of Levine et al US Patent 6,393,566.

8. The rejection is applied for the same reason as set forth in the previous office action, pages 10-11, mailed June 1 2004.

### ***Double Patenting***

9. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

10. Claims 1-30 are provisionally rejected under judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-26 of copending Application No. 09/458928. Although the conflicting claims are not identical, they are not patentably distinct from each other.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

11. The rejection is applied for the same reason as set forth in the previous office action, pages 12-13, mailed June 1 2004.

### ***Response to Arguments***

12. Applicant's arguments filed September 03 2004 have been fully considered but they are not persuasive.

13. With respect to claim 1, Applicant argues that Nissl does not teach validating a time indicator already in a time stamp, but rather, validating a time that will be used as the time stamp. Applicant further argues that Haber does not teach or suggest validating a time indication in a time stamp receipt. The examiner respectfully disagrees.

Nissl teaches a file with content "abc" being time stamped with internal clock, which is validated with standard external time and signed resulting in the file 13d (see figure 6, col 7, lines 18-28, col. 4, lines 50-55 and col. 6, lines 14-19). According to Microsoft Computer Dictionary definition, time stamp is defined as "a time signature that is added by a program or system to files, e-mail messages or Web pages, a time stamp indicates the time and usually the date when a file or Web page was created or last modified..." based on this definition, the time stamp of Nissl within the file content "abc" has to have an indication of the time the content was created before the time indication is validated (see for example col. 4, lines 50-55). Nissl, further teaches comparing the internal time with a standard time, thereby validating the internal clock (see for example, col 7, lines 29-41) as well as the time indicator within a file (see for example, col 7, lines 42-66). Haber on the other hand teaches time stamping being done at an outside

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agency wherein the outside agency supplies the current time to validate the time indication before applying a cryptography binding (col 2 lines 33-49), which has the advantage of increasing security by the use of central third party as a witness to validating a time stamp and also a uniformity of protection by having all documents signed by a central trusted party.

14. With respect to claim 1, Applicant further argues that Nissl and Haber cannot be combined, because Haber teaches away from receiving (and thus, verifying) a time indication included in a time stamp receipt receiving from the requestor as such, to support this applicant cites, Haber, col. 2, lines 45-49. Examiner respectfully disagrees.

Haber teaches time stamping being done at an outside agency wherein the outside agency supplies the current time to validate the time indication before applying a cryptography binding (col 2 lines 33-49). According to the examiner interpretation, col 2, lines 45-49, Haber suggests a motivation why validation of time stamping should actually be performed at an outside agency, by transferring control of time-stamping step from the author to an independent agent, thereby increasing the credibility of document authentication. The time stamping method taught by Nissl can be performed at an outside agency as taught by Haber, thereby increasing the credibility of document authentication.

15. With respect to obviousness-type double type rejection, Applicant argues both applications claim patentably distinct subject matter. In the instant application validation is based on a comparison between the time indication in the time-stamp receipt and the current time, the '928 application computes the age of the time-stamp receipt and uses the computed age in the binding process. Applicant further argues that both the instant application and the

'928 application have the same filing date and thus, a terminal disclaimer would have no effect.

The examiner respectfully disagrees.

In computing the age of a time stamp receipt, one of ordinary skill in the art at the time of the applicant's invention would have realized that a comparison of the time indication and current time would have been made. It would have been obvious for one of ordinary skill in the art at the time of the applicant's invention to validate a time stamp receipt by comparing the time indication in said time stamp receipt to the current time because it would have increased authenticity of the time stamp receipt at binding at the outside authority.

It is true that both the instant application and the '928 application have the same filing date, but as discussed above the instant application and the '928 application are not patentably distinct from each other.

### ***Conclusion***

16. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

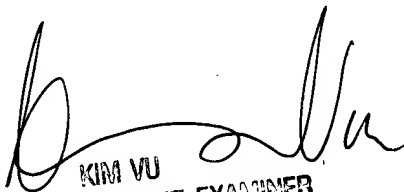
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beemnet W Dada whose telephone number is (571) 272-3847. The examiner can normally be reached on Monday - Friday (9:00 am - 5:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Beemnet Dada

November 23, 2004

  
KIM VU  
SUPERVISOR, PATENT EXAMINER  
TECHNOLOGY CENTER 2100